

showing the area continued to attain through 2011.

(k) Determination of Attainment for the Eight-Hour Ozone Standard. Effective July 18, 2012 EPA is determining, that complete, quality-assured and certified ozone monitoring data for 2007–2009 show the NY-NJ-CT eight-hour ozone nonattainment area attained the 1997 eight-hour ozone standard by its June 15, 2010 attainment deadline. Therefore, EPA has met the requirement pursuant to CAA section 181(b)(2)(A) to determine, based on the area's air quality data as of the attainment date, whether the area attained the standard. EPA also determined that the NY-NJ-CT nonattainment area will not be reclassified for failure to attain by its applicable attainment date under section 181(b)(2)(A). EPA is also determining that the NY-NJ-CT eight-hour ozone nonattainment area currently continues to attain the eight-hour ozone NAAQS, based on complete, quality-assured and certified data for 2008–2010 and data through 2011. This determination, in accordance with 40 CFR 51.918, suspends the requirements for this area to submit an attainment demonstration, associated reasonably available control measures, a reasonable further progress plan, contingency measures, and other planning SIPs related to attainment of the standard for as long as this area continues to meet the 1997 annual eight-hour ozone NAAQS.

[65 FR 62626, Oct. 19, 2000, as amended at 66 FR 663, Jan. 3, 2001; 66 FR 63938, Dec. 11, 2001; 69 FR 5288, Feb. 4, 2004; 71 FR 51765, Aug. 31, 2006; 75 FR 53220, Aug. 31, 2010; 76 FR 40256, July 8, 2011; 77 FR 15608, Mar. 16, 2012; 77 FR 36169, June 18, 2012]

EDITORIAL NOTE: At 77 FR 50600, Aug. 22, 2012, § 52.377 was amended; however, the amendment could not be incorporated due to inaccurate amendatory instruction.

EFFECTIVE DATE NOTE: At 78 FR 38591, June 27, 2013, § 52.377 was amended by adding paragraph (l), effective July 29, 2013. For the convenience of the user, the added and revised text is set forth as follows:

**§ 52.377 Control strategy: Ozone.**

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(l) Approval—Revisions to the Connecticut State Implementation Plan (SIP) submitted on December 8, 2006. The SIP revision satis-

fies the requirement to implement reasonably available control technology (RACT) for sources of volatile organic compounds (VOC) and oxides of nitrogen (NO<sub>x</sub>) for purposes of the 1997 8-hour ozone standard. Specifically, the following sections of the Regulations of Connecticut State Agencies are approved for this purpose: For VOC RACT, 22a–174–20, Control of Organic Compound Emissions, 22a–174–30, Dispensing of Gasoline/Stage I and Stage II Vapor Recovery, and 22a–174–32, RACT for Organic Compounds; for NO<sub>x</sub> RACT, 22a–174–22, Control of Nitrogen Oxide Emissions, and 22a–174–38, Municipal Waste Combustors.

**§ 52.378 Control strategy: PM<sub>10</sub>.**

(a) Approval—On June 23, 2005, the Connecticut Department of Environmental Protection submitted a request to redesignate the City of New Haven PM<sub>10</sub> nonattainment area to attainment for PM<sub>10</sub>. The redesignation request and the initial ten-year maintenance plan (2006–2015) meet the redesignation requirements in sections 107(d)(3)(E) and 175A of the Act as amended in 1990, respectively.

(b) Approval—On June 23, 2005, the Connecticut Department of Environmental Protection (CT DEP) submitted a request to establish a Limited Maintenance Plan (LMP) for the City of New Haven PM<sub>10</sub> attainment area for the area's initial ten-year maintenance plan (2006–2015). The State of Connecticut has committed to: maintain a PM<sub>10</sub> monitoring network in the New Haven PM<sub>10</sub> maintenance area; implement contingency measures in the event of an exceedance of the PM<sub>10</sub> National Ambient Air Quality Standards (NAAQS) in the maintenance area; coordinate with EPA in the event the PM<sub>10</sub> design value in the maintenance area exceeds 98 µg/m<sup>3</sup> for the 24-hour PM<sub>10</sub> NAAQS or 40 µg/m<sup>3</sup> for the annual PM<sub>10</sub> NAAQS; and to verify the validity of the data and, if warranted based on the data review, develop a full maintenance plan for the maintenance area. The LMP satisfies all applicable requirements of section 175A of the Clean Air Act. Approval of the LMP is conditioned on maintaining levels of ambient PM<sub>10</sub> below a PM<sub>10</sub> design value criteria of 98 µg/m<sup>3</sup> for the 24-hour PM<sub>10</sub> NAAQS and 40 µg/m<sup>3</sup> for the annual PM<sub>10</sub> NAAQS. For the Criscuolo Park site, Connecticut still qualifies for the LMP option if, based

on five years of site data, the average design values (ADV) of the continuous PM<sub>10</sub> monitor are less than the site-specific critical design value (CDV). If the LMP criteria are no longer satisfied, Connecticut must develop a full maintenance plan to meet Clean Air Act requirements.

[70 FR 59663, Oct. 13, 2005]

**§ 52.379 Control strategy: PM<sub>2.5</sub>.**

(a) Approval—Revision to the State Implementation Plan submitted by the Connecticut Department of Environmental Protection (DEP) on April 17, 2007, the revision is for the purpose of establishing early fine particulate (PM<sub>2.5</sub>) transportation conformity emission budgets for the Connecticut portion of the New York–Northern New Jersey–Long Island, NY–NJ–CT PM<sub>2.5</sub> nonattainment area. The April 17, 2007 revision establishes PM<sub>2.5</sub> motor vehicle emission budgets for 2009 of 360 tons per year of direct PM<sub>2.5</sub> emissions and 18,279 tons per year of NO<sub>x</sub> emissions to be used in transportation conformity in the Connecticut portion of the New York–Northern New Jersey–Long Island, NY–NJ–CT PM<sub>2.5</sub> nonattainment area.

(b) *Determination of Attainment.* EPA has determined, as of December 15, 2010, that the New York–Northern New Jersey–Long Island, NY–NJ–CT fine particle (PM<sub>2.5</sub>) nonattainment area has attained the 1997 PM<sub>2.5</sub> National Ambient Air Quality Standard. This determination, in accordance with 40 CFR 51.1004(c), suspends the requirements for this area to submit an attainment demonstration, associated reasonably available control measures, a reasonable further progress plan, contingency measures, and other planning SIPs related to attainment of the standard for as long as the area continues to attain the 1997 PM<sub>2.5</sub> NAAQS.

(c) Approval—Submittal from the Connecticut Department of Environmental Protection, dated September 4, 2008, to address the Clean Air Act (CAA) infrastructure requirements for the 1997 PM<sub>2.5</sub> National Ambient Air Quality Standard (NAAQS). This submittal is approved as meeting the requirements of sections 110(a)(2)(B), (C) (enforcement program only), (E)(i), (E)(iii), (F), (G), (H), (J) (consultation

and public notification only), (K), (L), and (M).

(d) Conditional Approval—Submittal from the Connecticut Department of Environmental Protection, dated September 4, 2008, to address the Clean Air Act (CAA) infrastructure requirements for the 1997 PM<sub>2.5</sub> National Ambient Air Quality Standard (NAAQS). EPA is conditionally approving Connecticut's submittal with respect to CAA sections 110(a)(2)(A), (C) only as it related to the PSD program, (D)(ii), (E)(ii), and (J) only as it relates to the PSD program. This conditional approval is contingent upon Connecticut taking actions to meet requirements of these elements within one year of conditional approval, as committed to in letters from the state to EPA Region 1 dated June 15, 2012, and July 11, 2012.

(e) Approval—Submittal from the Connecticut Department of Environmental Protection, dated September 18, 2009, with supplements submitted on January 7, 2011, and August 19, 2011, to address the Clean Air Act (CAA) infrastructure requirements for the 2006 PM<sub>2.5</sub> National Ambient Air Quality Standard (NAAQS). This submittal is approved as meeting the requirements of sections 110(a)(2)(B), (C) (enforcement program only), (E)(i), (E)(iii), (F), (G), (H), (J) (consultation and public notification only), (K), (L), and (M).

(f) Conditional Approval—Submittal from the Connecticut Department of Environmental Protection, dated September 18, 2009, with supplements submitted on January 7, 2011, and August 19, 2011, to address the Clean Air Act (CAA) infrastructure requirements for the 2006 PM<sub>2.5</sub> National Ambient Air Quality Standard (NAAQS). EPA is conditionally approving Connecticut's submittal with respect to CAA sections 110(a)(2)(A), (C) only as it related to the PSD program, (D)(ii), (E)(ii), and (J) only as it relates to the PSD program. This conditional approval is contingent upon Connecticut taking actions to meet requirements of these elements within one year of conditional approval, as committed to in letters from the state to EPA Region 1 dated June 15, 2012, and July 11, 2012.

(g) *Determination of Attainment.* EPA has determined, as of December 31, 2012, that the New York–N. New Jersey–